as users of the highway in the ordinary manner. *Richards* v. *Inhabitants of Enfield*, 13 Gray (Mass.) 344.

NUISANCE — WHAT CONSTITUTES A NUISANCE — OBSTRUCTION OF QUASI-PUBLIC DOCK. — A dock owned by a corporation, but by statute open to all persons on payment of the dock rates, was negligently damaged by the defendant so that it had to be closed for repairs. The plaintiff sought to recover for delay resulting from his being unable to dock his ship and to load his cargo. *Held*, that the plaintiff cannot recover. *Anglo-Algerian S. S. Co.* v. *Houlder Line*, [1908] 1 K. B. 659.

It is settled that an individual can recover for the direct, particular damages he suffers from unlawful obstruction of a highway. *Rose* v. *Miles*, 4 M. & S. 101. Though there is some conflict as to how direct the damages must be to give ground for an action, if obstructing the dock were considered equivalent to obstructing a highway, the damage was probably sufficiently direct to warrant a recovery in the present case. *Brick Mfg. Co.* v. *D. L. & W. R.*, 51 N. J. L. 56; *cf. Willard* v. *Cambridge*, 3 Allen (Mass.) 574; see 19 HARV. L. REV. 540. The plaintiff's statutory right to use the dock on payment of the dock rates might seem as worthy of protection as his right to use a highway. The court seems warranted, however, in not applying the principles applicable to cases of public nuisance, since the courts tend to restrict the limits of liability in such cases. *Willard* v. *Cambridge*, *supra*. Moreover the position of the dock company closely resembles that of a common carrier, and it has been held that a brakeman injured by a bridge so negligently built that it obstructed a railroad's right of way cannot recover from the construction company. *Stoneback* v. *Thomas Iron Co.*, 4 Atl. 721 (Pa.).

PATENTS — INFRINGEMENT — EXPIRATION OF PATENT AS AFFECTING REMEDY IN EQUITY. — A bill was filed thirteen days before the expiration of a patent to restrain its infringement and secure an accounting. The defendant had two months in which to enter an appearance. *Held*, that the bill is dismissed, since an injunction is not the real object of the suit. *Diamond Stone-Sawing Machine Co. of N. Y.* v. *Seus*, 38 N. Y. L. J. 2469 (Circ. Ct., S. D. N. Y., Mar. 1908).

A prayer for an injunction is ordinarily essential in order that equity may entertain a bill for the infringement of a patent. *Root* v. *Railway Co.*, 105 U. S. 189. And an injunction is not granted after the patentee's license has expired. *Campbell* v. *Ward*, 12 Fed. 150; but *cf. N. Y., etc., Co.* v. *Magowan*, 27 Fed. 111. But a bill will not be dismissed because the patent expired between the beginning and the termination of the suit, for equity retains jurisdiction to complete the patentee's remedy in one proceeding. *Beedle* v. *Bennett*, 122 U. S. 71. The prayer for an injunction cannot, however, be used as a pretext to secure such an equitable settlement when the legal remedy is adequate. *McDonald* v. *Miller*, 84 Fed. 344. Nor will equity assume jurisdiction when the patent runs out so soon that an injunction, although honestly desired, cannot be granted before the patent expires. *Bragg Mfg. Co.* v. *Hartford*, 56 Fed. 292. If the patentee delays until the expiration of his right is at hand, his good faith becomes questionable, and, although an injunction can be had before the patent expires, assumption of jurisdiction is in the discretion of the court.

POLICE POWER. — REGULATION OF BUSINESS AND OCCUPATIONS — TEN-HOUR LAW FOR WOMEN IN FACTORIES. — An Oregon statute provided that no female should be employed in any mechanical establishment, or factory, or laundry more than ten hours during any one day. *Held*, that the statute is constitutional. *Muller* v. *Oregon*, 208 U. S. 412.

For a discussion of the principles involved, see 20 HARV. L. REV. 653. See also *supra*, p. 495 *et seq.*

QUASI-CONTRACTS — RIGHT AND OBLIGATIONS OF PARTIES IN DEFAULT UNDER CONTRACT — RECOVERY BY PLAINTIFF IN DEFAULT FOR SERVICES RENDERED. — The plaintiff abandoned a contract of service which was unen-